

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	CASE NO.: 07 CV 8842 (RPP)(DFE)
LAWRENCE A. KAPLAN,	:	
	:	
Plaintiff,	:	
	:	
- against -	:	<u>ANSWER</u>
	:	
BETH ISRAEL MEDICAL CENTER,	:	
	:	
Defendant.	:	
-----	x	

Defendant **BETH ISRAEL MEDICAL CENTER** sued herein as **BETH ISRAEL MEDICAL CENTER** by and through its attorneys, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, answers plaintiff's complaint as follows:

I. Beth Israel Medical Center denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph I. A. of the complaint as to plaintiff's address, and admits the allegations of paragraphs I. B. and I. C. pertaining to its address.

II. A. Beth Israel Medical Center denies the allegations of discriminatory conduct contained in paragraph II. A. of the complaint and admits that plaintiff was terminated.

II. B. Beth Israel Medical Center denies the allegations of discriminatory conduct contained in paragraph II. B. of the complaint, and admits that plaintiff was terminated on August 16, 2006.

II. C. Beth Israel Medical Center denies that any discriminatory acts occurred as its response to paragraph II. C.

II. D. Beth Israel Medical Center denies the allegations of discriminatory conduct contained in paragraph II. D.

II. E. Beth Israel Medical Center denies the allegations of discriminatory conduct contained in paragraph II. E.

III. A. Beth Israel Medical Center denies the allegations contained in paragraph III. A. of the complaint, except that it admits that a charge of discrimination, with charge number 520 2006 03641, is dated December 10, 2006.

III. B. Beth Israel Medical Center denies knowledge or information sufficient to form a belief as to the allegations of the date that plaintiff received his right to sue letter, and admits that Plaintiff's right to sue letter is dated June 25, 2007.

III. C. No response is required as to the allegations contained in paragraph III. C. of the complaint as plaintiff does not make any allegations therein.

IV. Beth Israel denies plaintiff is entitled to any damages as its response to paragraph IV.

FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to state a cause of action upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Any complained of actions were taken for legitimate, non-discriminatory reasons.

THIRD AFFIRMATIVE DEFENSE

This Court lacks personal jurisdiction over defendant.

FOURTH AFFIRMATIVE DEFENSE

To the extent that Plaintiff's claims under Title VII are based on alleged conduct which occurred more than 300 days before he filed his EEOC charges, plaintiff's claims are time barred.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff has failed to meet a condition precedent to the filing of his Title VII claims to the extent he includes claims in the Complaint which were not included in his EEOC charges.

SIXTH AFFIRMATIVE DEFENSE

9. Plaintiff's claims are barred in whole or in part by the doctrines of laches, waiver or estoppel.

SEVENTH AFFIRMATIVE DEFENSE

10. Subject to proof through discovery, plaintiff has failed in whole or in part to mitigate his purported damages.

EIGHTH AFFIRMATIVE DEFENSE

11. To the extent plaintiff seeks punitive damages, Beth Israel Medical Center cannot be held vicariously liable for any such damages because Beth Israel Medical Center has made good-faith efforts to comply with all relevant statutes.

DEMAND FOR A JURY TRIAL

The answering defendant demands a jury trial.

WHEREFORE, the answering defendant demands judgment dismissing the complaint together with the costs and disbursements of this action.

Dated: New York, New York
March 6, 2008

**WILSON, ELSE, MOSKOWITZ,
EDELMAN & DICKER LLP**

By:

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